
 THE CITY OF NORFOLK POLICE DEPARTMENT		Operational General Order – OPR-755: Interactions with Transgender, Intersex, and Gender Non-Conforming Individuals	
		Office of Preparation: Office of Support Services (jmv)	
		CALEA: None	
LEGAL REVIEW DATE:	3-12-2020	PRESCRIBED DATE:	3-24-20
City Attorney:	MB	City Manager/Director of Public Safety:	J. Buttrick
APPROVED BY THE AUTHORITY OF THE CHIEF OF POLICE:			

Purpose:

This order establishes departmental guidelines for the appropriate treatment of transgender, intersex, and gender non-confirming (TIGN) individuals who encounter members of the Norfolk Police Department.

Policy:

The Norfolk Police Department is committed to working with all diverse communities which it serves, including the transgender, intersex, and gender non-confirming community (TIGN), with fairness and dignity. Employees of the Norfolk Police Department will interact with all citizens, including the TIGN community in a manner that is professional, respectful, and courteous. Employees must not exhibit any bias, prejudice or discrimination against a TIGN individual or group.

Supersedes:

1. Any previously issued directive conflicting with this order

Order Contents:

- I. Interactions with TIGN Individuals
- II. Investigations
- III. Searching TIGN Individuals
- IV. Transportation and Holding Cells
- V. TIGN Juveniles
- VI. Protection of Privacy

I. Interactions with TIGN Individuals

- A. When an individual self-identifies as being a transgender person, employees must not question this identity except for articulable reasons, i.e., the person's gender being related to a crime.
- B. In addressing or discussing a transgender individual, employees will use pronouns as requested by the individual, regardless of whatever may be listed on the individual's government-issued identification. If employees are uncertain about which pronouns are appropriate, then the employee should respectfully ask the individual.
- C. Employees will address TIGN individuals by the individual's adopted name, even if the individual has not received legal recognition of the adopted name.
- D. Employees will respect an individual's gender identity and gender expression. An individual's gender expression may be traits that are not typically associated with a person's assigned sex at birth; these expressions may include wigs, prosthetics, makeup, adopted name, tone of voice, clothing, mannerisms, etc.
- E. Employees will not use demeaning or derogatory language; in particular, language aimed at a person's actual or perceived gender identity, gender expression, or sexual orientation.
- F. Employees will not make assumptions about an individual's sexual orientation based upon an individual's gender identity or gender expression.

II. Investigations

- A. Employees will not require proof of an individual's gender or debate an individual's gender identity except when legally necessary. (i.e., processing an arrest, investigation, etc.)
- B. For the purposes of listing gender on citations, arrest reports, and other official documentation, employees will use the designation listed in the most recent records in official government databases.
- C. For purposes of listing the name of a TIGN individual, employees will always write an individual's name as it appears on the individual's government-issued identification card. If the arrestee self-identifies using an adopted name, this name will be placed in the alias box on any associated reports.
- D. If there is uncertainty regarding the appropriate classification of a suspect's gender, a supervisor will be consulted for further guidance on the appropriate classification.

III. Searching TIGN Individuals

- A. Prior to searching a TIGN individual, employees will inform the person of the option to choose the gender of the employee that will conduct the search. Employees will ensure that the TIGN individual is searched by an employee with the selected gender, unless exigent circumstances exist that prevent this. These instructions **do not** pertain to strip searches. If a strip search is necessary, employees will follow the guidelines stipulated in OPR-495: Strip Searches.
- B. Appearance related items including, but not limited to: prosthetics, clothing, wigs, or make-up, will not be confiscated or removed from TIGN individuals unless such items present a safety hazard, impede the administration of medical attention, or are needed for evidentiary reasons. The TIGN status alone will not be an acceptable reason to remove appearance related items.
- C. Employees will not require a TIGN individual to remove or alter any personal items that would not otherwise be removed or altered when searching a non-TIGN individual.

IV. Transportation and Holding Cells

- A. Employees who transport TIGN individuals will advise the telecommunicator of the **starting mileage, location, and destination** prior to departing. Upon arrival, the employee will advise the telecommunicator of the **vehicle's ending mileage**.
 - 1. TIGN individuals may be transported with others, so long as the other person does not pose an obvious risk of violence towards the TIGN individual.
- B. When possible, TIGN arrestees will be housed alone in a secure single cell while being held at the POC. If all holding cells at the POC are full, a supervisor will be notified, and the individual will be housed in a cell with another person with the same genitalia.
 - 1. When an empty holding cell becomes available, the TIGN individual will be moved to that cell in order to be housed alone.
 - 2. At no time will a TIGN individual be placed in a cell with other persons who pose an obvious risk of violence towards the TIGN individual.

V. TIGN Juveniles

- A. All interactions with juvenile TIGN individuals will conform to the mandates set forth by this policy. When investigating, arresting, or transporting a juvenile, the juvenile's actual or perceived gender identity, gender expression, or sexual orientation should not be discussed with parents or guardians without the juvenile's consent, unless it directly pertains to the case.

VI. Protection of Privacy

- A. Information regarding one's TIGN status should be kept on a need-to-know basis to ensure that the privacy and confidentiality of the TIGN individual are respected.
- B. At times, it will be necessary to share an individual's TIGN status for law enforcement purposes. This could include but isn't limited to: turning over investigations to other officers, sharing information with prosecutors, booking individuals into the jail, or even cooperating with other government agencies. Any time TIGN status is shared, it must be done in a discreet manner.

Common Terminology:

TIGN: Transgender, Intersex, or Gender Non-Conforming individual.

Transgender: A person whose gender identity differs from the sex that person had or was identified as having at birth. Being a transgender person does not imply any specific sexual orientation. This term is appropriately used as an adjective ("transgender person"); not "transgenders" or "transgendered."

Intersex: A person with both female and male gonadal tissue or having the gonads of one sex and external genitalia that is of the other sex or is ambiguous.

Gender Non-Conforming: A person exhibiting behavioral, cultural, or psychological traits that do not correspond with the traits typically associated with one's sex or who has a gender expression that does not conform to gender norms. Not all gender non-conforming persons identify as transgender individuals.

Gender Identity: A person's internal sense of being male, female, some combination of male and female, or neither male nor female, regardless of the gender they were assigned at birth. All people have a gender identity, not just transgender people.

Gender Expression: The physical and behavioral manifestations of one's gender identity, whether stereotypically associated with the person's gender assigned at birth or not. It is the way a person represents or expresses their gender to others, such as through their behavior, clothing, hairstyles, activities, voice, or mannerisms.

Adopted Name: The name a TIGN individual uses in self-reference; this may or may not be the individual's legal name. The individual may have chosen a new name to more accurately reflect preferred gender identity or expression. This may also be referred to as a person's chosen name.

Chosen Pronouns: The pronouns that a person chooses to use to self-identify in line with preferred gender identity. For example, "she/her" for an individual who requests she/her pronouns; "he/his" for an individual who requests he/his pronouns; and "they/them" for an individual who requests they/them pronouns.

Cisgender: A person whose gender assigned at birth (sometimes referred to as sex assigned at birth) matches the person's preferred gender identity. For instance, if a person was assigned female at birth, and self-identifies as a woman or girl, that person is cisgender.

Gender Assigned at Birth: The gender that someone was thought to be at birth, typically recorded on the original birth certificate. The gender someone was assigned at birth may or may not match the individual's gender identity.

Gender Binary: A societal construction of gender that accords two discreet and opposing categories – male or female.

Gender Transition: A process during which a person begins to live according to the person's preferred gender identity, rather than the gender they were assigned at birth. Gender transition looks different for every person. Possible steps in a gender transition may or may not include changing one's clothing, appearance, and name, and in some cases, changing identification documents or undergoing medical treatments. The steps each person takes depend on individual needs and access to resources.

LGBTQ+: An acronym that represents lesbian, gay, bisexual, transgender, and questioning individuals. The Q may also stand for queer. As the plus sign shows, this list is not meant to be exhaustive, and as used in this order, the umbrella term also includes non-binary, gender non-conforming, and intersex individuals.

Non-Binary: A term often used by people whose gender is not exclusively male or female. The term also captures those with more than one gender or with no gender at all. Individuals whose gender is neither male nor female may use other terms to describe themselves, such as gender fluid, agender, bigender, or gender expansive.

Queer: A term that, although pejorative when used with intent to insult (historically and at present), is increasingly used by members of the LGBTQ+ community as a broad umbrella under which sexual and gender minorities may identify.

Questioning: A term some people use when they are in the process of exploring their sexual orientation or gender identity.

Sexual Orientation: A person's romantic, emotional, or sexual attraction to members of the same or different gender. Common terms used to describe sexual orientation include, but are not limited to: straight, lesbian, gay, bisexual, and asexual. Sexual orientation and gender identity are different: gender identity refers to one's internal knowledge of their gender, while sexual orientation refers to whom one is attracted.

Transgender Man: A term for a transgender person who was assigned female at birth but identifies as a man.

Transgender Woman: A term for a transgender person who was assigned male at birth but identifies as a woman.

Related Documents:

1. G.O. OPR-495: Strip Searches
2. G.O. OPR-210: Transporting Prisoners